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12 **UNITED STATES DISTRICT COURT**

13 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

14 Willsim Latham, LLC, Individually and on  
15 Behalf of All Others Similarly Situated,

16 Plaintiff,

17 v.

18 MetroList Services, Inc.; Sacramento  
Association of Realtors, Inc.; Placer County  
19 Association of Realtors, Inc.; El Dorado  
County Association of Realtors; Lodi  
20 Association of Realtors; Yolo County  
Association of Realtors; Central Valley  
21 Association of Realtors; Amador County  
Association of Realtors; Nevada County  
Association of Realtors, Inc.; Sutter-Yuba  
22 Association of Realtors, Inc.; RE/MAX  
Holdings, Inc.; Anywhere Real Estate Inc.;  
Keller Williams Realty, Inc.; eXp World  
23 Holdings, Inc.; Norcal Gold Inc.; Century 21  
Select Real Estate, Inc.; William L. Lyon &  
24 Associates, Inc.; Paul M. Zagaris, Inc.; Guide  
Real Estate, Inc.; and DOES 1 through 50,  
25 inclusive,

26 Defendants.

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CASE NO. 2:24-cv-00244-KJM-DB

**CLASS ACTION**

**STIPULATION AND ORDER STAYING  
PROCEEDINGS AS TO DEFENDANT  
eXp WORLD HOLDINGS, INC.**

Judge: The Honorable Kimberly J. Mueller  
Courtroom: 3, 15<sup>th</sup> Floor

Action Filed: January 18, 2024

Trial Date: None Set

1 Plaintiff Willsim Latham, LLC and defendant eXp World Holdings, Inc. (“eXp”) (together  
 2 “Stipulating Parties”) hereby stipulate as follows:

3 **RECITALS**

4 **WHEREAS**, just over two months after this case was filed, the National Association of  
 5 REALTORS® (“NAR”) entered into a \$418 million nationwide class action settlement that  
 6 resolves claims that MLS rules regarding broker commissions violate the antitrust laws (“NAR  
 7 Settlement”). *See Burnett, et al. v. The National Association of Realtors, et al.* (W.D. Missouri  
 8 No. 19-cv-00332) (“*Burnett*”).

9 **WHEREAS**, in connection with the NAR Settlement, plaintiffs representing a nationwide  
 10 class of home sellers released their claims against NAR and certain NAR-affiliated entities.

11 **WHEREAS**, on February 22, 2024, Plaintiff filed an unopposed motion to vacate all  
 12 case deadlines and stay proceedings as to Defendants RE/MAX Holdings, Inc.  
 13 (“RE/MAX”), Anywhere Real Estate Inc. (“Anywhere”), and Keller Williams Realty, Inc.  
 14 (“Keller Williams”) following entry of the order granting preliminary approval of the settlement  
 15 agreements in *Burnett*. Dkt. No. 39. On March 4, 2024, the Court granted the motion. Dkt. No. 48.

16 **WHEREAS**, on May 31, 2024, Plaintiff filed an unopposed motion to stay the case as to  
 17 RE/MAX (and its affiliated franchisee Defendant Norcal Gold Inc.), Anywhere (and its  
 18 affiliated franchisee, Defendant Century 21 Select Real Estate, Inc.), and Keller Williams  
 19 following entry of the order granting final approval of the nationwide settlements in *Burnett*. Dkt.  
 20 No. 73. The Court granted the motion. Dkt. No. 74.

21 **WHEREAS**, on June 14, 2024, Defendants MetroList Services, Inc.; Sacramento  
 22 Association of Realtors, Inc.; Placer County Association of Realtors, Inc.; El Dorado County  
 23 Association of Realtors; Lodi Association of Realtors; Yolo County Association of Realtors;  
 24 Central Valley Association of Realtors; Amador County Association of Realtors; Nevada County  
 25 Association of Realtors, Inc.; Sutter-Yuba Association of Realtors, Inc.; William L. Lyon &  
 26 Associates, Inc.; and Guide Real Estate, Inc. filed an unopposed motion to stay in light of the  
 27 order preliminarily approving the NAR Settlement. Dkt. No. 75. The Court granted the motion.  
 28 Dkt. No. 77.

**WHEREAS**, following entry of the above-referenced stay orders, there is one defendant remaining in this case against whom Plaintiff's claims are proceeding: eXp.

WHEREAS, eXp filed a motion to dismiss on June 24, 2024. Dkt. No. 78.

4 | WHEREAS, Plaintiff's deadline to file an opposition to eXp's motion to dismiss is  
5 | August 6, 2024. Dkt. No. 79.

6           **WHEREAS**, eXp is named as defendants in two cases nationwide cases alleging similar  
7 antitrust allegations related to realtor commissions. *Gibson v. National Association of Realtors*,  
8 Case No. 4:23-cv-00788 (W.D. Mo.), and *Umpa v. National Association of Realtors*, Case No.  
9 4:23-cv-00945 (W.D. Mo.).

**WHEREAS**, this Court possesses the “inherent power to control the disposition of the causes on its docket in a manner which will promote economy of time and effort for itself, for counsel, and for litigants.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962) (*citing Landis v. North American Co.*, 299 U.S. 248, 254-55 (1936)).

14       **WHEREAS**, to determine whether an action should be stayed, courts balance the relative  
15 harm of staying or continuing an action and consider issues of judicial economy, *Sinclair v. Fox*  
16 *Hollow of Turlock Owners Ass'n*, No. 1:03-cv-05439-OWW, 2011 WL 1636240, at \*2 (E.D. Cal.  
17 Apr. 29, 2011).

18 WHEREAS, staying the case as to eXp reduces the risk of duplicative litigation, promotes  
19 efficiency, and conserves judicial resources.

## STIPULATION

**21** NOW, THEREFORE, the Stipulating Parties hereby stipulate that:

22       1. The case shall be stayed as to Defendant eXp until 30 days after the District Court  
23                   for the Western District of Missouri's ruling on final approval of the NAR  
24                   Settlement; and  
25        2. All existing deadlines shall be vacated.

1 Respectfully submitted,

2 DATED: July 9, 2024

**PEARSON WARSHAW, LLP**

3 By: /s/ Jill M. Manning

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10 Dated: July 9, 2024

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19 *Attorneys for Defendant eXp World Holdings, Inc.*

20 **ATTESTATION OF ELECTRONIC SIGNATURE**

21 The undersigned ECF user whose identification and password are being used to file the  
22 foregoing document hereby attests that all signatories herein, and on whose behalf the filing is  
23 submitted, concur in the filing's content and have authorized the filing.

24 Date: July 9, 2024

/s/ Jill M. Manning

Jill M. Manning

## ORDER

Pursuant to Stipulation, the case is **STAYED** as to Defendant eXp until 30 days following the issuance of an order on final approval with respect to the settlement with the National Association of Realtors in *Burnett v. National Association of Realtors*, Case No. 4:19-CV-00332-SRB (W.D. Mo.) (“*Burnett*”), and all existing case deadlines are vacated. The parties will file a joint status report within five days following the issuance of an order on final approval of the National Association of Realtors’ settlement in *Burnett*.

## IT IS SO ORDERED.

DATED: July 29, 2024.

**CHIEF UNITED STATES DISTRICT JUDGE**

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